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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,077	10/26/2000	Hideyuki Kimura	107714	1563

25944 7590 08/20/2003

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EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/20/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/674,077

Applicant(s)

KIMURA ET AL.

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **WITHDRAWN REJECTIONS**

1. The 35 U.S.C. 102(b) rejection of Claims 1 – 4, 6 and 13 as being anticipated by Miyahara et al (U.S. Patent No. 4,834,638) and 35 U.S.C. 103(a) rejection of Claims 5, 12 and 14 as being unpatentable over Miyahara et al (U.S. Patent No. 4,834,638) in view of Japanese Patent No. 06246777, of record on page 2 of the previous Action, are withdrawn.

### **NEW REJECTIONS**

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 13 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase ‘forwardly moving the core into the outer mold unit’ is indefinite as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean ‘and forwardly moving the core into the outer mold unit.’

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al (Japanese Patent No. 6246777).

With regard to Claim 1, Suzuki et al disclose a cylindrical body (therefore having an inner surface and barrel portion having an outer surface; paragraph 0018, English translation; Figure 2) and a sheet – shaped insert having an upper end (paragraph 0018, English translation; Figure 2) wherein the insert is bonded to the outer surface of the barrel portion (paragraph 0018, English translation; Figure 2). With regard to the claimed aspect of the cylindrical article being ‘insertion – molded’ and having a ‘mark of an injection gate opening positioned on the inner surface’ and the mark being ‘positioned at the inner surface of the cylindrical body while being inwardly apart from the upper end of the insert in an axial direction,’ the cylindrical article is insertion molded by injecting from an injection gate into the cavity between a blank and a core (paragraph 0018, English translation; Figure 1) and the runners which connect the injection gate and the cavity are directed to the inside surface of the insert and are not directed to the upper end of the insert (paragraph 0018, English translation; Figure 1); the cylindrical article is therefore insertion – molded, and has a mark of an injection gate opening positioned on the inner surface, and the mark is positioned at the inner surface of the cylindrical body while being inwardly apart from the upper end of the insert in an axial direction. However, the scope of the claims falls within the limitations of Suzuki et al as discussed above. The method of making the cylindrical body (product – by – process), and the position of the marks which result from the method, are given little patentable weight.

With regard to Claim 2, the cylindrical article further comprises a gap on the outer surface positioned between opposed ends of the insert and not covered by the insert (edges of the insert; (paragraph 0018, English translation; Figure 2).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 – 6 and 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (Japanese Patent No. 6246777) in view of Asasi Chemical (Japanese Patent No. 03286815).

With regard to Claim 3, Suzuki et al disclose a cylindrical body having a gap as discussed above. Suzuki et al also disclose a method for making an insertion – molded cylindrical article using an insertion injection molding mold comprising an outer mold unit having an inner surface and pull – out mold unit (split mold; paragraph 0008, English translation) defining a core – inserting space therein (paragraph 0008, English translation) and a core having an injection gate opening and shaped to be inserted and fitted into the outer molding unit (paragraph 0008, English translation; Figure 1) and a molding cavity defined between the outer mold unit and the core inside the injection molding mold (paragraph 0018, English translation; Figure 1), the method comprising fitting, attaching and holding the insert along the inner surface of the outer molding unit (the insert is welded to the thermoplastics which constitutes the pillar section;

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paragraph 0018, English translation), injecting a molten resin through the injection gate opening toward the molded body inner surface at a position inwardly apart from the upper end of the insert and corresponding to a position on the molded body that is covered by the insert (paragraph 0018, English translation) and forming the cylindrical body while pushing the insert onto the inner surface of the outer molding unit with the molten resin, wherein the insert is integrally bonded to the outer surface of the barrel portion of the cylindrical body (paragraph 0019, English translation). Suzuki et al fail to disclose curing the molten resin.

Asahi Chemical teaches that thermoplastic resins are equivalent to thermosetting resins in the making of a container for the purpose of making a container having a good appearance (English Abstract). The desirability of providing for a thermosetting resin in Suzuki et al, which is a container, would therefore be obvious to one of ordinary skill in the art.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a thermosetting resin (therefore a resin which is cured) in Suzuki et al in order to make a container having a good appearance as taught by Asahi Chemical.

With regard to Claim 4, Suzuki et al do not disclose the injecting the resin towards the gap; the claimed aspect of the resin not being injected towards the gap therefore reads on Suzuki et al.

With regard to Claims 5 and 12, a knock out pin is provided in the core disclosed by Suzuki et al (ejection pin; paragraph 0011, English translation), and the method further comprises upwardly pulling out the pull – out mold unit of the outer mold unit after the insertion molding and cutting a connection between the cured resin inside the injection gate opening and

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cylindrical body by raising the knock – out pin and removing the article from the core by pushing the bottom portion of the cylindrical body (paragraph 0011, English translation).

With regard to Claims 6 and 13 – 14, the insert disclosed by Suzuki et al is therefore held in a cylindrical shape along the inner surface of the outer mold unit by applying a frictional force between the core and insert, by partially fitting the insert in the cylindrical shape into the outer mold unit.

#### ANSWERS TO APPLICANT'S ARGUMENTS

8. Applicant arguments regarding the 35 U.S.C. 102(b) rejection of Claims 1 – 4, 6 and 13 as being anticipated by Miyahara et al (U.S. Patent No. 4,834,638) and 35 U.S.C. 103(a) rejection of Claims 5, 12 and 14 as being unpatentable over Miyahara et al (U.S. Patent No. 4,834,638) in view of Japanese Patent No. 06246777, of record on page 2 of the previous Action, have been considered and have been found to be persuasive. The rejections have therefore been withdrawn. The new 35 U.S.C. 102(b) rejection of Claims 1 – 2 as being anticipated by Suzuki et al (Japanese Patent No. 6246777) and 35 U.S.C. 103(a) of Claims 3 – 6 and 12 – 14 as being unpatentable over Suzuki et al (Japanese Patent No. 6246777) in view of Asasi Chemical (Japanese Patent No. 03286815) above are directed to amended Claims 1 – 6 and 12 – 14.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

*Marc Patterson*

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HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
*1772**8/18/03*